

REMARKS

Reconsideration of the above-identified application is respectfully requested on the basis of the above amendments, which, together with the accompanying Declaration Under 37. C.F.R. 1.132 and the following remarks, are considered to obviate the prior rejections, placing remaining claims 1-4, 11-19, 23-27, 29-36, 39-40, 45-47, and 49-60, particularly as amended, in condition for immediate allowance.

The applicants thank the Examiner for the telephone interview courteously granted to applicants' attorney on February 3, 2010. The discussion at the interview is summarized in the following remarks.

The applicants respectfully traverse the rejection of the claims under 35 U.S.C. 112, particularly as amended. The language to which the Examiner previously objected has been deleted, and, as discussed in the course of the interview, substitute language inserted. In addition, to clarify the nature of the present invention, the limitation previously in Claim 20, that the strap, when wrapped around a human body part, exerts a tension of no more than 5 pounds-force on said human body part.

The present invention relates to a vibration dampening device for wrapping a human body part comprising a strap and a step member engaged to the strap. The step members are generally transverse to the strap, and overlap the edges by virtue of the length of the step member being longer than the width of the strap. The terminal ends of the step members, as shown by the specification and drawings, are free from fasteners, as discussed in the course of the interview. The claims have been so clarified with regard to this feature.

As detailed in the accompanying Declaration by Mr. Harris and the test data reported therein, the devices of the present invention markedly reduced the vibration measured in the subjects being tested.

The applicants respectfully traverse the rejection of the elected claims over the cited references, taken alone or in any combination.

Uso et al., U.S. Patent 4,759,963, which forms the basis for the rejection in numbered section (6) of the Office Action, fails to disclose or suggest the invention as presently claimed. Contrary to the allegation in the Office Action, there is no disclosure in the Uso reference of vibration dampening. The allegation in the Office Action that the device is capable of being used to dampen vibrations is without basis. In addition, the Uso et al. devices fail to disclose or suggest a requirement of the present claims, namely, that the terminal ends of the step member are free from a fastener. On the contrary, Uso et al. shows

felt pad 21 on the end of the transverse member for interacting with the Velcro hooks. More importantly, the fastening device of Uso is for the purpose of attaching a fishing pole to a railing of a dock or boat, so it is understandable that the basic construction would differ. Uso et al. provide for attaching means at the ends of both components of their fastening device. The present claims have been amended to clarify that the terminal ends of the present step members are free from attaching means.

Sanderson, U.S. Patent 3,486,001, as noted in the Office action, teaches wrapping the strap disclosed therein under tension around the body part, holding a cushion over the wound or vein being treated. Simply, Sanderson describes a tourniquet, or, as phrased in that patent, a "medical compress." By contrast, the vibration dampening devices of the present invention are applied without any tension greater than that required to hold them in place. There is no aspect of the present invention that involves pressure to restrict the flow of blood. Nor does Sanderson disclose or suggest the step members presently claimed, or their advantage in vibration dampening. All claims of the present application have been amended to emphasize that the present devices, when wrapped around a human body part, exert a tension of no more than 5 pounds-force on said human body part.

Johnson, Jr., U.S. Patent 4,628,918, also requires tension when wrapped around the body part being treated, and the use of an inwardly-protruding pocket having a semi-compressible pressure element disposed with the protruding pocket. There is no disclosure of the step members required in the present application, or any suggestion that one or more step members as presently claimed would reduce vibration and thereby alleviate the symptoms.

Nor is the present invention disclosed or suggested in Smith, U.S. Patent 3,403,429. Contrary to the suggestion in the Office Action, there is no disclosure of a step member as presently claimed, specifically, one which has a length greater than the width of the strap. As discussed in the present specification, it is this requirement that results in the vibration dampening achieved by the present invention, and the associated relief of the painful symptoms described in the present application.

The accompanying Declaration by Mr. Harris confirms the reduction of vibration on test subjects, and, remarkably, effective treatment of a lame horse that had been lame for 2 weeks.

In view of the above considerations, the present invention is considered to represent a novel and unobvious advance, and the issuance of a Notice of Allowance for remaining Claims 1-4, 11-20, 23-27, 29-36, 39-40, and 45-60, particularly as amended, is in order, and

such action is earnestly solicited. If, for reasons not understood by the applicants, any issues remain outstanding, the Examiner is urged to contact the undersigned by telephone to expedite their resolution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald W. Huntley", written over a large, loopy initial "D".

Donald W. Huntley
Attorney for Applicant
Registration No. 24,673
Telephone: 302-426-0610

L:\cleints\HARRIS\documents-HARRIS-2\Amendment-2A